

ADRIENNE C. PUBLICOVER (SBN 161432)
CHARAN M. HIGBEE (SBN 148293)
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
525 Market Street, 17th Floor
San Francisco, CA 94105
Telephone: (415) 433-0990
Facsimile: (415) 434-1370

Attorneys for Defendants
OMNICOM GROUP HEALTH AND
WELFARE BENEFIT PLAN AND
LIFE INSURANCE COMPANY OF NORTH AMERICA

WILLIAM GREEN (SBN 129816)
DELFINO, GREEN & GREEN
1010 B Street
San Rafael, CA 94901
Telephone: (415) 442-4646
Facsimile: (415) 442-4802

Attorneys for Plaintiff
ASHLEY MATCHETT WOODS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY MATCHETT WOODS,	)	Case No.:	CV08-01299 PJH
)		
Plaintiff,	)	JOINT CASE MANAGEMENT	
	)	STATEMENT	
v.)		
	)	Date	: June 19, 2008
CIGNA GROUP INSURANCE; DOREMUS	)	Time	: 2:30 p.m.
& COMPANY,	)	Courtroom	: 3
	)	Floor	: 17
Defendants.	)	Honorable Phyllis J. Hamilton	
)		
	)	Filing Date	: March 5, 2008

Plaintiff Ashley Matchett Woods and defendants Omnicom Group Health and Welfare Benefit Plan and Life Insurance Company of North America (hereinafter collectively "the parties") submit the following Joint Case Management Statement in this action.

JOINT CASE MANAGEMENT STATEMENT

USDC NDCA Case #CV08-01299 PJH
355353.1

1 **A. Jurisdiction and Service**

2 The Court has subject matter jurisdiction over plaintiff's claims. Jurisdiction is based on 29
3 U.S.C. Section 1132(e) because plaintiff seeks benefits under an employee welfare benefit plan
4 governed by the provisions of ERISA. All the parties are subject to the Court's jurisdiction. No
5 parties remain to be served.

6
7 **B. Facts**

8 Plaintiff Ashley Matchett Woods seeks long term disability benefits under an employee
9 welfare benefit plan governed by the provisions of ERISA. Plaintiff is 41 years old, and was
10 employed by Doremus & Company as a Vice President and Account Director of Advertising when
11 she went out on disability in or about June of 2006. Plaintiff has been diagnosed with various
12 medical conditions, including systemic lupus erythematosus.

13 Based on her employment at Doremus & Company, plaintiff was a participant in defendant
14 Omnicom Group Health and Welfare Benefit Plan which provided disability insurance coverage to
15 eligible employees of Doremus & Company, including plaintiff. This disability insurance was
16 provided pursuant to a group policy of insurance issued by defendant Life Insurance Company of
17 North America ("LINA"). Plaintiff submitted a claim for long term disability benefits in or about
18 June of 2006. Defendant LINA denied plaintiff's claim for long term disability benefits and stated
19 that she did not meet the definition of disability.

20 The principal factual issue in dispute is whether plaintiff is entitled to the disability benefits
21 which she seeks under the Omnicom Group Health and Welfare Benefit Plan and/or the subject
22 group policy issued by LINA, and specifically whether she is entitled to disability benefits from
23 September 29, 2006 through the present.

24 \\\

25 \\\

26 \\\

1 **C. Legal Issues**

2 The following legal issues will be presented:

3 a. Whether the appropriate standard of review of the claim decision is de novo or abuse
4 of discretion.

5 b. Whether the claim decision (to deny plaintiff's claim for disability benefits) was
6 proper under the applicable standard of review.

7
8 **D. Motions**

9 The parties expect to file cross-motions for judgment pursuant to Fed. Rule of Civil
10 Procedure 52 or cross-motions for summary judgment pursuant to Fed. Rule of Civil Procedure 56.

11
12 **E. Amendment of Pleadings**

13 The parties currently do not anticipate any amendments to their pleadings.

14
15 **F. Evidence Preservation**

16 Defendant LINA has maintained an administrative record relating to plaintiff's claim for
17 disability benefits. This administrative record will be produced to plaintiff as part of defendants'
18 Initial Disclosure. There are no ongoing activities related to plaintiff's claim, nor ongoing
19 communications with plaintiff.

20
21 **G. Disclosures**

22 The parties agree to serve their Initial Disclosures on or before June 19, 2008.

23
24 **H. Discovery**

25 No discovery has been served to date.

26 Plaintiff does not anticipate that any discovery will be required in this matter.

1 Defendants contend that discovery is improper in this action which is based on the
2 provisions of ERISA. The admissible evidence should be limited to the administrative record
3 maintained by defendant LINA, the subject group insurance policy, and the plan documents.
4

5 **I. Class Actions**

6 Not applicable.
7

8 **J. Related Cases**

9 The parties are not aware of any related cases or proceedings pending before another judge
10 of this court, or before another court or administrative body.
11

12 **K. Relief**

13 Plaintiff's Complaint seeks an order that defendants pay plaintiff the disability benefits due
14 plus interest; that plaintiff is entitled to an award for attorney fees; and that plaintiff is entitled to
15 future benefits as long as she remains disabled under the terms of the Plan and the subject group
16 policy.

17 Defendants also seek an attorney fee award in this action.
18

19 **L. Settlement and ADR**

20 No settlement discussions have taken place to date. The parties have agreed to the
21 following ADR process: private mediation before James Mart of JAMS on August 5, 2008.
22

23 **M. Consent to Magistrate Judge For All Purposes**

24 Defendants do not consent to have a magistrate judge conduct all further proceedings.
25 \\\

26 \\\

1 **N. Other References**

2 This case is not suitable for reference to binding arbitration, a special master, or the Judicial
3 Panel on Multidistrict Litigation.

4
5 **O. Narrowing of Issues**

6 The parties may agree and stipulate as to the standard of review to be utilized by the Court.
7 The parties currently do not anticipate any request to bifurcate issues, claims, or defenses.

8
9 **P. Expedited Schedule**

10 It is likely that this is the type of case that can be handled with streamlined procedures, such
11 as cross-motions for summary judgment. The parties recommend that private mediation take place
12 (which currently is scheduled for August 5, 2008) before the date for filing dispositive motions.

13
14 **Q. Scheduling**

15 The parties propose the following dates for the dispositive motions:

16 Cross-Motions for Judgment to be filed on: September 12, 2008

17 Oppositions to be filed on: Per Local Rules

18 Reply Briefs to be filed on: Per Local Rules

19 Hearing Date: October 22, 2008 at 9:00 a.m.

20
21 **R. Trial**

22 The parties agree that this case is subject to a court trial, and that there is no right to a jury
23 trial for ERISA claims.

24 In the event that this matter is not resolved by the dispositive motions, the parties estimate
25 that a bench trial will last 1 to 4 hours.

1 **S. Disclosure of Non-Party Interested Entities or Persons**

2 Defendants filed the following Certification of Interested Entities or Persons on April 30,
3 2008:

4 Connecticut General Corporation, a Connecticut corporation, is the parent company of
5 defendant Life Insurance Company of North America. Connecticut General Corporation is a
6 wholly-owned subsidiary of CIGNA Holdings, Inc. CIGNA Holdings, Inc. is a wholly-owned
7 subsidiary of CIGNA Corporation.

8
9 **T. Other Matters**

10 The parties currently are unaware of other matters that may facilitate the just, speedy and
11 inexpensive disposition of this matter.

12
13 Date: June 3, 2008

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

14
15 By: /s/ Charan M. Higbee

ADRIENNE C. PUBLICOVER
CHARAN M. HIGBEE
Attorneys for Defendants
OMNICOM GROUP HEALTH AND WELFARE
BENEFIT PLAN AND LIFE INSURANCE
COMPANY OF NORTH AMERICA

16
17
18
19 Date: June 3, 2008

DELFINO, GREEN & GREEN

20
21 By: /s/ William Green

WILLIAM GREEN, ESQ.
Attorneys for Plaintiff
ASHLEY MATCHETT WOODS

CERTIFICATE OF SERVICE

Ashley Matchett Woods v. CIGNA Group Insurance, et al.
USDC NDCA Case #CV08-01299 PJH

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 California Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s):

JOINT CASE MANAGEMENT STATEMENT

on the parties identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

☒ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

☐ : **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

☐ : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

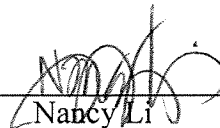
☐ : **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.C.A.)

William Green, Esq.
DELFINO, GREEN & GREEN
1010 B Street, Suite 320
San Rafael, CA 94901
Tel: (415) 442-4646
Fax: (415) 442-4802

Attorneys for Plaintiff
ASHLEY MATCHETT WOODS

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **June 3, 2008** at San Francisco, California.



Nancy Li